

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APRIL SCALISI, as custodian for her minor
children,

Plaintiff,

v.

JOE GRILLS, STEPHEN B. SWENSRUD,
ROBERT S. SALOMON, JR. AND FUND
ASSET MANAGEMENT, L.P.,

Defendants,

-and-

MERRILL LYNCH FOCUS TWENTY
FUND, INC.,

Nominal Defendant.

04 CV 5513 (TCP)

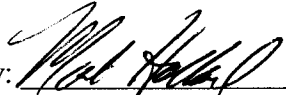
**NOTICE OF MOTION BY DEFENDANT FUND ASSET MANAGEMENT, L.P.
TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the annexed First Amended Complaint, the accompanying Memorandum and Reply Memorandum in Support of Defendant Fund Asset Management, L.P.'s Motion to Dismiss the First Amended Complaint, the accompanying Declaration of Mark Holland dated February 16, 2007 and the exhibits attached thereto, the Merrill Lynch Focus Twenty Fund, Inc.'s Motion to Terminate Derivative Litigation, and all papers and proceedings heretofore and herein, Defendant Fund Asset Management, L.P. will move this Court before the Honorable Thomas C. Platt, U.S. District Court, 1044 Federal Plaza, Central Islip, New York, at 10:30 a.m. on June 29, 2007, for an Order dismissing the First

Amended Complaint in this matter with prejudice under Rule 12(b)(6) and granting such other and further relief as the Court deems just and proper.

Dated: June 19, 2007

CLIFFORD CHANCE US LLP

By: 

Mark Holland (MH 6494)

Mary K. Dulka (MD 0013)

Margaret M. Snyder (MS 3647)

Dayna R. Cooper (DC 7611)

31 W. 52nd Street

New York, New York 10019

(212) 878-8000

Attorneys for Defendant

Fund Asset Management, L.P.